

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. 10-0027

FILED

February 18 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Benjamin J. LaBeau  
LABEAU LAW FIRM, L.L.C.  
Attorney for Appellant  
1645 Avenue D, Suite B  
Billings, Montana 59102  
(406) 294-5055 - Phone  
(406) 294-5054 - Fax  
labeau@180com.net and labeausec@180com.net

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FEB 18 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN RE THE GRANDPARENT-GRANDCHILD )  
CONTACT OF )

W.B.S., AND D.C.S., )

Minor Children, )

\_\_\_\_\_  
TANYA N. SPAULDING, )

Appellant, )

-and- )

SHARON K. SNYDER, )

Appellee. )  
\_\_\_\_\_

Appellant's Motion for Stay  
of District Court Order and  
Execution of Order Pending  
Appeal Pursuant to Rule 22,  
M.R.App.P.

COMES NOW the Appellant Tanya Spaulding, acting by and through her Counsel of Record,  
Benjamin J. LaBeau, and respectfully moves the Montana Supreme Court for an Order to Stay the  
District Court Order and Execution of the Order Pending Appeal pursuant to Rule 22, M.R.App.P.

This Motion is made upon the grounds and for the reasons as follows:

1. The District Court denied Appellant mother's efforts to terminate grandparent contact

between paternal grandmother and her two sons and held her in contempt for denying grandparent contact established pursuant to stipulation and order created in May 2008.

2. Appellant appeals: a) the Court's order requiring grandparent contact which the Appellant mother deems harmful to her children, b) the Court's order holding her in contempt, and c) challenges the constitutionality of Montana's grandparent contact statutes.

3. The District Court indicated Appellant mother could purge her contempt by allowing grandparent contact;

4. Appellant mother appealed and requested the District Court to stay the order and execution of the order pending appeal and the District Court denied the motion of Appellant mother. A copy of the District Court's Order Denying Motion to Stay is attached as Exhibit A.

5. Also, immediately preceding Appellant's filing her Notice of Appeal, Appellee grandmother requested the District Court to hold Appellant parent in contempt a second time through a "Renewed Motion for Contempt" which is set for hearing February 16, 2010.

6. Appellant mother requested the District Court to vacate the second contempt hearing pending determination on her Motion for Stay to the Montana Supreme Court. A copy of Appellant's Motion to the District Court is attached as Exhibit B.

7. In support of this Motion, Appellant provides the following:

- a) Appellant's affidavit filed separately in this matter;
- b) Excerpts taken from the Transcript of Hearing attached as Exhibit C;
- c) Excerpts taken from the manuscript of "The Unexpected Walk-In" by Sharon Snyder attached as Exhibit D.

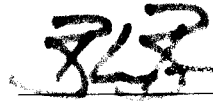
Complete copies of the hearing transcript have previously been provided to the Court in the

course of this appeal. A complete copy of "The Unexpected Walk-In" was included in the record as Exhibit A in this case.

Appellee opposes Appellant's request for stay of the order and execution of the order. Appellee did waive the requirement of a supersedeas bond and the District Court's approval of a supersedeas bond.

WHEREFORE, Appellant respectfully requests an Order for Stay of the District Court Order and Execution of Order Pending Appeal.

DATED this 16 day of February, 2010.



Benjamin J. LaBeau, Counsel for Appellant

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing Motion for Stay of District Court Order with the Clerk of the Montana Supreme Court; and that I have served true and accurate copy upon each attorney of record and each party not represented by an attorney in the above-referenced Supreme Court action, via first-class U.S. mail, on the date written below, as follows:

Kevin T. Sweeney  
Attorney at Law  
1250 15<sup>th</sup> Street West, Suite 202  
Billings, Montana 59102

Honorable Gregory R. Todd  
Yellowstone County Courthouse  
Department 5, Room 608  
Billings, Montana 59101

Dated this 16 day of February, 2010.



Benjamin J. LaBeau,